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DEC 5 2008

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS  
LITIGATION

This Document Relates to: All Cases

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CLERK OF COURT

Case No. CV 96-4849 (ERK)(MDG)  
(Consolidated with CV 96-5161  
and CV 97-461)

MEMORANDUM & ORDER

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**MEMORANDUM & ORDER APPROVING SET 181: 20 AWARDS AND 1 AWARD  
AMENDMENT CERTIFIED BY THE CLAIMS RESOLUTION TRIBUNAL PURSUANT  
TO ARTICLE 31(2) OF THE RULES GOVERNING THE CLAIMS RESOLUTION  
PROCESS AND AUTHORIZING PAYMENT FROM THE SETTLEMENT FUND**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of 20 certified Awards listed in Annex A, and 1 certified Award Amendment listed in Annex B, and the resources to pay these Awards through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 20 Awards and 1 Award Amendment is US \$1,666,813.54 (SF 2,016,844.38 converted at a rate of 1.21 Swiss Francs per U.S. Dollar).

This set includes one Award Amendment involving an account held at the Basel branch of one of the two Settling Defendants. At the time that the original award was made in this case, the bank records available to the CRT did not contain information regarding the type of the awarded account, and so the account was awarded as an account of unknown type. However, the bank recently made available to the CRT additional information showing that the account was a custody account. In this Award Amendment, the CRT adopts and amends its findings set out in the previous award based upon this additional information recently forwarded to the CRT by the bank.

With this one hundred and eighty-first set, a total of US \$526,609,545.83 will have been awarded thus far. This total amount is comprised of Awards issued under CRT I and CRT II combined, and Plausible Undocumented Awards (PUAs). Under CRT I alone, which took place from 1997 through 2000, 207 accounts, with a value of US \$18,184,492.00, were awarded as accounts that had belonged to Victims of Nazi Persecution. Under CRT II alone, 2,750 Awards for 4,377 accounts totaling US \$447,725,316.54<sup>1</sup> will have been made to date to Victims or Targets of Nazi Persecution making up the Deposited Assets Class, with the average Award amounting to US \$ 144,181.08.<sup>2</sup> The total number of PUAs issued to date is 12,360 less 231 full and partial deductions. The total amount is \$60,699,737.29.

Four Awards in the one hundred and eighty-first set are based on claims that were received past the claim filing deadline. The Court in its discretion has decided to accept certain claims received past the claim filing deadline, namely those where a set of exceptional circumstances is demonstrated. Such a set would include, but not be limited to, the following: (1) the claimant has proven with certainty that the account owner is his/her relative or that he/she is otherwise entitled to the account; (2) the account has not previously been awarded to another claimant; (3) the claimant is disabled or of advanced age; and (4) there are no other timely claims to the account filed by those with an equal or closer degree of relationship to the account owner. These Awards are *In re Jellinek-Drexler* (Tab 9), *In re Josefowitz* (Tab 10) *In re Schleyen* (Tab 17), *In re Toeplitz* (Tab 19). In these cases all the circumstances listed in (1) through (4) obtain.

This submission includes nine Awards to twelve Primary Claimants and three Co-Claimants who previously received a Plausible Undocumented Award ("PUA"), as detailed in Annex C to this Order. Each recipient was made aware at the time the PUA was awarded that, in the event the CRT located a Swiss Bank account or accounts to which he/she was entitled, the PUA amount of US \$5,000.00 already received would be deducted from any future award(s) that

<sup>1</sup> This amount includes the payments of decisions on appeal issued by Special Masters Michael Bradfield and Helen Junz totaling US \$4,655,653.71.

<sup>2</sup> In calculating the average value of CRT-II awards, the Set 75 award and the two Set 110 awards were excluded because their size made them outliers that would have skewed the result. The calculation further excludes appeal awards in the amount of US \$4,500,173.97 in which the earlier award was not rescinded. On the other hand, the calculation includes appeal awards issued upon reversal of a denial as recommended by Special Masters Michael Bradfield and Helen Junz and issued by the CRT.

may be made in connection with such account(s). Therefore, the amount requested for transfer to the Swiss Banks Settlement-Dormant Accounts - Payment Account equals the award amount of US \$1,666,813.54 for the 20 Awards and 1 Award Amendment referred to above less US \$71,632.23 for previous PUA payments, for a total of US \$1,595,181.31.

As set forth in the Awards and as required by Article 31(3) of the Rules, the Certified Awards shall be paid in full by the Special Masters after approval of such Awards by the Court.

Therefore, it is hereby

ORDERED that the attached 20 Awards and 1 Award Amendment are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 20 Awards and 1 Award Amendment certified by the CRT and approved by the Court, less fifteen payments previously made in the form of PUAs, the Signatories of the Settlement Fund are hereby ordered to transfer immediately US \$1,595,181.31 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account;

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award, which information shall be filed with the Court under seal.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Dated: Brooklyn, New York  
November 7<sup>th</sup>, 2008

~~SO ORDERED:~~

s/Edward R. Korman

Edward R. Korman  
United States District Judge

# CLAIMS RESOLUTION TRIBUNAL

[BATCH CLXXXI] - ANNEX A

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 24 November 2008 the following Awards for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number		Award Amount (SFr.)
1.	Arnstein 204389/RS; 501006/RS**	172,875.00
2.	Calfon 734220/MBC	189,250.00
3.	Cases 734203/MBC	26,750.00
4.	Cymerman 707316/RS	26,750.00
5.	Ehrmann 400720/RS; 400726/RS; 400744/RS; 400775/RS; 400795/RS; 400856/RS; 400864/RS; 401596/RS	189,250.00
6.	Fink 222865/JG; 222866/JG	26,750.00
7.	Friedmann 000200/WT	25,875.00
8.	Guttmann 772552/CU; 208637/CU	53,500.00
9.	Jellinek-Drexler, 501729/RS; 500397/RS; 500441/RS; 500442/RS; 500632/RS	15,500.00
10.	Josefowitz 402251/NB	26,750.00
11.	Jules Roos N.V. 400542/HB; 785457/HB	49,375.00
12.	Löwenstein 224243/DE; 501353/DE	189,250.00
13.	Molnar 731802/RS; 732872/RS; 741118/RS; 741180/RS; 752453/RS; 752803/RS; 752866/RS*	26,750.00
14.	Müller 205636/RS; 217507/RS*	19,094.38
15.	Picard 401465/GO	162,500.00
16.	Reichenbach 735703/GO	162,500.00
17.	Schleyen 501779/DE	162,500.00
18.	Szanowsky 220551/MBC; 200650/MBC	26,750.00
19.	Toeplitz 501791/JG	189,250.00
20.	Zagiel 707329/RS	162,500.00
<b>TOTAL</b>		<b>1,903,719.38</b>
<b>Total amount in US Dollars<sup>3</sup></b>		<b>\$ 1,573,321.80</b>

\* MPM Award

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<sup>3</sup> Exchange rate as of 24 November 2008 of 1.21 Swiss Francs per U.S. Dollar.

# CLAIMS RESOLUTION TRIBUNAL

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**[BATCH CLXXXI] - ANNEX B**

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of 24 November 2008 the following Award Amendment for approval by the Court:

Account Owner Last Name and Claim Number		Award Amount (SFr.)
1.	Friedmann 000200/WT	113,125.00
	Total amount in US Dollars <sup>4</sup>	\$ 93,491.74

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<sup>4</sup> Exchange rate as of 24 November 2008 of 1.21 Swiss Francs per U.S. Dollar.

# CLAIMS RESOLUTION TRIBUNAL

**[BATCH CLXXXI] - ANNEX C**

Deduction for Plausible Undocumented Awards previously issued by the Claims Resolution Tribunal:

Account Owner Last Name and Claim Number	Claimant Name	Amount to be deducted (in US \$)
Calfon 734220/MBC	Clementina Calfon	\$ 5,000.00
Ehrmann 400720/RS; 400726/RS; 400744/RS; 400775/RS; 400795/RS; 400856/RS; 400864/RS; 401596/RS	Max Ehrlich	\$ 5,000.00
Ehrmann 400720/RS; 400726/RS; 400744/RS; 400775/RS; 400795/RS; 400856/RS; 400864/RS; 401596/RS	Moshe Erez	\$ 5,000.00
Fink 222865/JG; 222866/JG	Monica Helen Forbes	\$ 5,000.00
Fink 222865/JG; 222866/JG	Jessica Alexandra Forbes	\$ 5,000.00
Jules Roos N.V. 400542/HB; 785457/HB	Aaron Nir	\$ 5,000.00
Jules Roos N.V. 400542/HB; 785457/HB	Marianne Stein	\$ 5,000.00
Löwenstein 224243/DE; 501353/DE	Estate of Claus Peter Simon	\$ 5,000.00
Löwenstein 224243/DE; 501353/DE	Dorothee Simon	\$ 5,000.00
Löwenstein 224243/DE; 501353/DE	Jan Simon	\$ 5,000.00
Molnar 731802/RS; 732872/RS; 741118/RS; 741180/RS; 752453/RS; 752803/RS; 752866/RS*	Esteban Sarkany	\$2,210.74
Molnar 731802/RS; 732872/RS; 741118/RS; 741180/RS; 752453/RS; 752803/RS; 752866/RS*	Estate of Gézáné Molnár	\$4,421.49
Müller 205636/RS; 217507/RS*	Estate of Helmut Muller	\$ 5,000.00
Szanowsky 220551/MBC; 200650/MBC	Estate of Catalina Seltzer	\$ 5,000.00
Zagiel 707329/RS	Maryla Zagiel	\$ 5,000.00
<b>Total PUA Deduction Amount in US Dollars</b>		<b>\$71,632.23</b>
<b>Total Set Amount Awarded in US Dollars</b>		<b>\$1,666,813.54</b>
<b>Total Net Set Amount (after deduction) in US Dollars</b>		<b>\$1,595,181.31</b>

\* MPM Award